IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.347 OF 2004
IN
FIRST APPEAL NO.101 OF 2004

The State of Maharashtra ...Applicant.

Vs.

Shri.Rama Laxman Gaikwa,
deceased, through L.Rs. ...Respondents.

....
ALONG WITH

CIVIL APPLICATION NO.348 OF 2004
IN
FIRST APPEAL NO.1495 OF 2003

The State of Maharashtra ...Applicant.

Vs.

Shri.Rangnath Kalu Thail,
deceased, through L.Rs. ...Respondents.

....
ALONG WITH
CIVIL APPLICATION NO.349 OF 2004
IN
FIRST APPEAL NO.1496 OF 2003

The State of Maharashtra ...Applicant.

Vs.

Shri.Dhondiba Govind Kakane,
deceased, through L.Rs. ...Respondents.

....
Mrs.G.P.Mulekar, A.G.P. for the Applicant-State.
....

CORAM: A.S.OKA,J.

DATED: 2ND FEBRUARY,2007.

P.C.:

1. Heard learned A.G.P. for the State.

2. The impugned Judgment and Award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned Judgment and Award will remain stayed till the final disposal of the First Appeal subject to condition of the Applicant depositing the entire amount due and payable as per the impugned Award with the Reference Court within a period of twelve weeks from today. If the deposit of entire amount is not made within stipulated period, the interim stay granted will stand forthwith vacated without further reference to the Court.

4. If the amount as aforesaid is deposited, the Claimants will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference Court. The Reference Court will hear the Applicant before

accepting the security.

5. Civil Application is disposed of in above terms.

6. Liberty to the Respondents to apply for modification of this order as the same is passed without issuing notice of these Applications.

(A.S.OKA,J.)